

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

Kenneth Valentine Awe, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered November 28, 2014, the court directed plaintiff to submit within 10 days from the date of the Order an inmate account report and a certified copy of plaintiff's trust fund account statement for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which plaintiff is or was confined during that six-month period. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice. The Court dismissed the action on December 18, 2014 for non-compliance. Since that time the Court has learned that if an offender is over their \$50.00 copy limit, the facility is not required to give copies of statements. On December 30, 2014 plaintiff filed a motion for reconsideration. On January 15, 2015 the Court reopened the case and conditionally filed the action giving plaintiff 10 days to submit the required inmate account report with the six-month statements as well as instructions to the Trust Officer to provide the plaintiff with additional photocopying service loans to the extent necessary to provide certified copies of the requested trust account statements.

More than 10 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 9th day of February, 2015,


Senior United States District Judge